

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, November 26, 2008
Marion County Courthouse Square

9:00 a.m. Board Session
Senator Hearing Room

PRESENT: Commissioner Sam Brentano, Commissioner Patti Milne and Commissioner Janet Carlson. Also present were John Lattimer as chief administrative officer, Jo Stonecipher as legal counsel and Kim Hulett as recorder.

Commissioner Brentano called the meeting to order.

PUBLIC COMMENT

None.

CONSENT

PUBLIC WORKS – PLANNING

Notice of adoption of administrative ordinance granting approval of subdivision, case SUB 07-12, Elkhorn Golf and Resort, LLC, Clerk’s File #5577; final adoption scheduled for December 3, 2008.

Receive appeal of hearings officer’s denial of partition, case # P08-14, Miller Trust, Clerk’s File #5600.

Approve an order appointing Ryan Evenson and Bill Sanders, Jr. to the Marion County Planning Commission for terms expiring November 26, 2012.

TREASURER

Approve an order distributing revenues from ORS Chapter 530 timberlands.

MOTION: Commissioner Carlson moved approval of the consent calendar. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

ACTION

Commissioner Brentano removed the revised dog control ordinance on the action calendar (Item #3). There is a need for some further work on portions of the ordinance involving boarding fees and appeals. The board will rework the revised ordinance at a work session.

BUSINESS SERVICES

1. Consider adoption of an ordinance amending the No Smoking Ordinance; by emergency procedure. – Dave Henderson

In Dave Henderson's absence, Jo Stonecipher, legal counsel, reported that the state adopted legislation during their last session regarding smoking. This legislation will go into effect January 1, 2009. The ordinance before the board today updates the Marion County No Smoking Ordinance to make sure it is in compliance with the standards set forth under the new state law. The most significant change is that there can be no smoking within 10 feet of any entrances, exits, windows that open, or air intakes to public buildings. Ms. Stonecipher said Mr. Henderson and Gary Hales, loss control manager, have gone to all county properties to find appropriate sites that fit the statutory descriptions so that smokers will have places where they will know they can smoke legally. The enforcement process is through the Department of Human Services. There is much more to the state law, which requires that counties and cities be much more involved in no-smoking campaigns. Posters will be provided to the county and posted and no-smoking signs will be provided as well. The ordinance under discussion today has been in effect since the board moved to the Courthouse Square building in 2000 and designated certain areas for smoking.

Ms. Stonecipher said section three of the ordinance contains the provision to comply with ORS 433.835 through ORS 433.875, which is the Clean Air Act. She said they have repealed the exceptions in the ordinance, which were inconsistent and out of date. The amended ordinance will give the business services director the authority to designate smoking areas that comply with the new standards.

Ms. Stonecipher said one other significant item about the ordinance is that it is the first one drafted since the board adopted and approved the Marion County Code, so the format is slightly different. This means that instead of adopting a new ordinance and deleting the old one, the board will be amending the code, so the ordinance contains references to code sections that are being replaced and deleted. This has been reviewed with Code Publishing, Inc., which maintains the online code for the county and everything appears to be in order where this ordinance is concerned. She said Mr. Henderson would probably have comments for the board regarding compliance with the new ordinance.

Commissioner Milne said this is another unfunded mandate from the state for the county. She said there are many locations around the county where Business Services has had to scout out new locations where smokers can smoke in compliance with the law. She said the "free" posters from the state are not really free because state taxpayers pay them for. She said staff time would be involved in implementing the changes and asked if the county would be tracking staff time used for this. Mr. Lattimer said this would be included in the accounting system and the costs would be tracked, as they would be for any other required work.

Commissioner Carlson asked how the new rules would be communicated to employees to make sure everyone is aware. Mr. Lattimer said he hoped the minutes for the board's management update meeting, which goes out to all staff, would provide a warning that this will be coming soon. He said they would also provide an education program for all county staff. Mr. Lattimer said department heads would have to understand that this is state law and the county will be required to comply.

Ms. Stonecipher said part of the new law includes an education component that the county will have to meet, but this is not part of the ordinance before the county today. She said this ordinance is presented today to be approved by emergency procedure because it needs to go into effect by January 1, 2009.

Commissioner Milne asked about the new condominium building on Church Street, which is a consortium of city, county, and condominium association ownership. This building will need “no smoking” signage. Ms. Stonecipher said the City of Salem would be providing much of the signage for that building along with the condominium association.

Dave Henderson, business services director, joined the meeting and asked if there were any questions.

Commissioner Brentano asked Mr. Henderson how they are planning to alert the public to the smoking areas they can use when they are at county buildings. Mr. Henderson said there would be a designated smoking area outside the Courthouse Square building. The law requires prohibition of smoking within 10 feet of an entrance, but smoking cannot be controlled beyond those limits. Signage will clearly mark the entrances, exits, air intakes and windows where smokers must stay 10 feet away.

MOTION: Commissioner Milne moved that the chair read the ordinance by title only twice. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

Commissioner Brentano read the ordinance by title twice.

MOTION: Commissioner Milne moved to adopt the ordinance amending the No Smoking Ordinance of Marion County. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

FINANCE

2. Consider adopting the first supplemental budget for fiscal year 2008-09 (**TO BE ACTED ON AT PUBLIC HEARING, 9:30 a.m.**). – John Lattimer, Jeff White, Richard Minaker, Jerry Woelke

Commissioner Brentano recessed the meeting at 9:14 a.m.

PUBLIC WORKS

3. Consider adoption of a revised dog control ordinance repealing Marion County Ordinance Nos. 1236 and 1241; by emergency procedure. – Bill Worcester, Bruce Armstrong

This item was pulled from the agenda by Commissioner Brentano at the beginning of the meeting and will be postponed until the Board can rework some sections regarding boarding fees and appeals.

Commissioner Brentano reconvened the meeting at 9:30 a.m. and opened the public hearing.

PUBLIC HEARINGS 9:30 A.M.

FINANCE

A. Public hearing to consider adopting the first supplemental budget for fiscal year 2008-09. – John

Lattimer, Jeff White, Richard Minaker, Jerry Woelke

Jeff White, chief financial officer, presented the first supplemental budget for fiscal year 2008-09. He said they have discussed this in some detail at the board's management update meeting. He said that since then, they have properly noticed this public hearing in the Salem Statesman-Journal newspaper to allow for public comment and to discuss any concerns or questions regarding the supplemental budget.

Mr. White summarized the supplemental budget, which includes an overall increase to the Marion County budget of \$4,745,277. This will raise the total budget from \$331,181,540 to \$335,876,817. The increases take place throughout several funds. There is no overall increase in the general fund. There is a decrease in the general fund contingency of \$286,080 to be set aside for a new recording system for the clerk's office if approved. In the capital improvement projects fund, there are incoming dollars from the general fund for the clerk's office recording system and repairs to the jail roof and HVAC units.

The central services fund includes a transfer of funds from a materials and services category to a capital outlay category for the purchase of a riding lawn mower, with a net change of zero to the fund. The community corrections fund has a transfer of contingency to capital outlay for \$98,599 for tenant improvements at the leased Wolverine Street building. This results in no net change to the fund.

The environmental services fund has transfers from contingency to allow for an interfund loan for an electrification project for the ferry at \$236,000 and a gate repair at the North Marion disposal facility for \$80,000. By using contingency funds, they have prevented any net change to the environmental services fund.

Mr. White said the largest increase is in the health fund, which will have its resources increased by a total of \$3,582,145. About half of this money is net working capital carried over from the previous year, with the other half consisting of various federal, state, and inter-governmental revenues that have been increased over what was anticipated when the budget was completed. Those resources will be allocated primarily to the unappropriated ending fund balance and contingency fund, with about \$1,000,000 going to materials and services and some money for personal services. The net change to the health fund is a \$3,582,145 increase.

In the juvenile grants fund, resources are increased by \$36,174. These increases come primarily from grants and transfers in from other funds. Those resources will be used for personal services and some net changes in materials and services. The overall net change to the fund is an increase of \$36,174.

In the public works fund, there will be a total overall increase to the fund of \$276,747, which includes federal funding for ferry electrification and environmental services funds transferred for the same purpose. The result of that will be some requirement appropriations for the ferry project, radio shop test equipment, and the purchase of a pothole repair truck. There will be adjustments to the contingency line items for this fund as well. The net change to the public works fund is an increase of \$276,747.

In the sheriff grants fund, there will be a total net increase of \$355,414 from the Methamphetamine Initiative Grant for FY 2008-09. This will be used primarily for materials and services at \$282,914 and personal services in temporary wages at \$72,500. The net change to the sheriff grants fund is an increase of \$355,414.

The final fund, the traffic safety fund will be increased by \$41,141 received from two grants, the Multi-Agency Traffic Team Grant at \$40,000 and the Highway 99 Safety Corridor Grant at \$1,141. Those funds will be used for a personal services increase of \$9,090 and materials and services at \$32,051. The net change to the traffic safety team fund is an increase of \$41,141.

Mr. White said this summarized the changes for the first supplemental budget of FY 2008-09. He turned the discussion over to the board for questions.

Commissioner Carlson said that when the budget is prepared in the spring, the county does not always have firm information about which revenues are coming in and what the expense will be. They make their best estimates and approve a budget, with supplemental budgets later in the year allowing them an opportunity to fine-tune or adjust the budget once they have better information. She said that between Mr. White's first presentation of this supplemental budget at management update and today's presentation, the state's revenue forecast came out. The governor is now asking state agencies to make cuts in the range of one to two percent of their budgets with possible additional downward projections. The required cuts might go as high as five percent in the last six months of the fiscal year. She asked how closely they are tracking the state reductions and the effects these are likely to have on Marion County.

Mr. White said they are watching the state projections and cuts carefully. They have scheduled another supplemental budget for mid-winter, probably in February, with an additional supplemental budget in June. They know there will continue to be changes, coming primarily from the state, which will affect the county's business. He said department heads are well aware of the situation, but nobody knows exactly where the cuts will come during this fiscal year.

Mr. Lattimer said the departments are watching the state budget carefully. He said the health department has already put together a proposal internally to take care of requests from the Department of Human Services to reduce their spending. While this has not officially happened yet, they are prepared for when it does happen. These cuts will not affect programs yet and will mostly be taken out of reserves. He said he hoped there would not be too many of these cuts. Children & Families is also working on reductions, which do not look like they will affect program output at this point.

TESTIMONY:

None.

MOTION: Commissioner Carlson moved to close the public hearing and adopt the first supplemental budget of fiscal year 2008-09 as detailed in the attachments and summarized by Mr. White. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

Commissioner Brentano read the calendar.
Commissioner Brentano adjourned the meeting at 9:45 a.m.

Attachments: A - First supplemental budget for fiscal year 2008-09.

ABOVE MINUTES APPROVED

CHAIR

COMMISSIONER

COMMISSIONER

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